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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/616,408	07/09/2003	John C. Artz JR.	VIGN1450-1	9286
44654	7590	06/06/2007	EXAMINER	
SPRINKLE IP LAW GROUP			DUONG, OANH L	
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SUITE 408				
AUSTIN, TX 78705				
			ART UNIT	PAPER NUMBER
			2155	
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**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	Application No. 10/616,408	Applicant(s) ARTZ ET AL.	
	Examiner Oanh Duong	Art Unit 2155	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 09 July 2003.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1-25 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-25 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)  | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date <u>See Continuation Sheet</u> . | 6) <input type="checkbox"/> Other: _____  |

Continuation of Attachment(s) 3). Information Disclosure Statement(s) (PTO/SB/08), Paper No(s)/Mail Date :2/20/04, 9/20/04, 10/25/04, 2/22/05, 3/31/05.

## **DETAILED ACTION**

Claims 1-25 are presented for examination.

### ***Specification Objection***

2. The disclosure is objected to because of the following informalities:

On page 1, the text of the first paragraph should be updated with current status of the cited application such as U.S. Patent Application Serial No., a filing date, U.S. Patent No., and/or the issued date.

The disclosure is objected to because it contains an embedded hyperlink and/or other form of browser-executable code (i.e., in page 12 paragraph [0036]). Applicant is required to delete the embedded hyperlink and/or other form of browser-executable code. See MPEP § 608.01.

Appropriate correction is required.

### ***Claim Rejections - 35 USC § 102***

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) and the Intellectual Property and High Technology Technical Amendments Act of 2002 do not apply when the reference is a U.S. patent resulting directly or indirectly from an international application filed before November 29, 2000. Therefore, the prior art date of the reference is determined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

4. Claims 1-21 are rejected under 35 U.S.C. 102(e) as being anticipated by Wilf, Us 6,496,824 B1.

Regarding claim 1, Wilf teaches a method of identifying a visitor at a network site (col. 3 lines 39-42) comprising:

receiving an address from a first visitor computer and a first characteristic of a second visitor computer (col. 4 lines 41-65); and

generating a first visitor identifier using the address and the first characteristic (col. 6 lines 1-21).

regarding claim 2, Wilf teaches the method of claim 1, wherein generating the first visitor identifier is performed using only the address and information within a user-agent string of a request originating from the second visitor computer (col. 4 lines 5-35).

Regarding claim 3, Wilf teaches the method of claim 2, wherein the user-agent string includes a browser identifier for a browser application on the second visitor

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computer and compatibility information regarding the browser application (col. 4 lines 15-350).

Regarding claim 4, Wilf teaches the method of claim 1, wherein the first characteristic of the second visitor computer comprises a type of computer, a CPU identifier, an OS, a browser application, a version of a browser application, compatibility information regarding the browser application, locale information, an accessory that can be activated by the browser application, a display size, a resolution setting, or whether a programming language is enabled (col. 4 lines 16-35).

Regarding claim 5, Wilf teaches the method of claim 1, wherein the first visitor computer is different from the second visitor computer (col. 4 lines 16-35)

Regarding claim 6, Wilf teaches the method of claim 5, further comprising sending the first characteristic from a second visitor computer to the first visitor computer before generating the first visitor identifier (col. 6 lines 1-22).

Regarding claim 7, Wilf teaches the method of claim 5, further comprising:  
receiving the address from a first visitor computer and a second characteristic of a third visitor computer, wherein the third visitor computer is different from the first and second visitor computers (col. 3 lines 48-51); and  
generating a second visitor identifier using the address and the second characteristic (col. 4 lines 41-65).

Regarding claim 8, Wilf teaches the method of claim 1, wherein:

the first and second visitor computers are the same computer; the first characteristic is a first characteristic of a first browsing environment; and the method further comprises: receiving the address from a first visitor computer and a second characteristic of a second browsing environment, wherein the first and second browsing environments use the same OS, browser application, and version of browser application, and generating a second visitor identifier using the address and the second characteristic (col. 4 lines 16-35).

Regarding claim 9, Wilf teaches the method of claim 1, n generating the first visitor identifier is performed without the use of a cookie (col. 2 lines 9-10)

Regarding claim 10, Wilf teaches the method of claim 1, wherein generating the first visitor identifier is performed using only information within an initial request from the second visitor computer during a session (col. 4 lines 39-41).

Regarding claim 11, Wilf teaches the method of claim 1, further comprising: requesting information regarding a second characteristic of the second visitor computer after receiving the address and the first characteristic; and receiving the information regarding the second characteristic of the second visitor computer, wherein generating is performed using the address, the first characteristic, and the second characteristic (col. 4 lines 41-65).

Regarding claims 12-21, those claims comprise limitations that are substantially the same as claims 1-5, and 7-11; discussed above, same rationale of rejection is applicable.

***Claim Rejections - 35 USC § 103***

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 22-25 are rejected under 35 U.S.C. 103(a) as being unpatentable over Wilf, in view of Chow et al. (hereinafter, Chow), US 7,032,017 B2.

Regarding claim 22, Chow teaches a system for identifying a visitor at a network site comprising:

individual visitor computers (client 10, Fig. 2);  
a network site computer (web server 150, Fig. 2); and  
a visitor control computer bidirectionally coupled to the individual visitor computers and the network site computer (proxy server 120, Fig. 2),  
wherein:

the visitor control computer is configured to not provide an address of any individual visitor computer to the network site computer 9col. 1 lines 36-54).

Chow does not explicitly teach the network site computer is configured to generate a visitor identifier from an address received from the visitor control computer and a characteristic of at one of the individual visitor computers.

Wilf, in the same field of endeavor, teaches the network site computer is configured to generate a visitor identifier from an address received from the visitor control computer and a characteristic of at one of the individual visitor computers (col. 6 lines 1-4).

It would have been obvious to one of ordinary skill in the art at the time of the invention was made to modify the teachings of Chow to generate a visitor identifier from an address received from the visitor control computer and a characteristic of at one of the individual visitor computers as taught by Wilf. One would be motivated to do so to provide session management over a stateless protocol (Wilf, col. 2 lines 41-42).

Regarding claim 23, Chow teaches the system of claim 22, wherein at least one of the individual visitor computers is not configured to receive cookies (col. 1 lines 39-41).

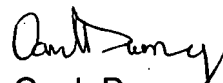
Regarding claim 24, Chow teaches the system of claim 18, wherein the visitor control computer regulates communications across a firewall, and the network site computer and any of the individual visitor computers communicate to each other via the visitor control computer (col. 1 lines 36-54).

Regarding claim 25, Chow-Wilf teaches the system of claim 22, wherein the visitor control computer provides a characteristic of at least one of the individual visitor computers to the network site computer (Wilf, col. 4 lines 5-35).

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Oanh Duong whose telephone number is (571) 272-3983. The examiner can normally be reached on Monday- Friday, 9:30PM - 6:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Saleh Najjar can be reached on (571) 272-4006. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

  
Oanh Duong  
May 28, 2007